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SUBJECT: BURMESE TRAFFICKING CASE PUTS SPOTLIGHT ON MIGRANT LABOR PRACTICES

REF: BANGKOK 6420

11. (U) Summary: RTG officials are dealing with the aftermath of a labor trafficking raid that has raised questions about the RTG's capacity to effectively monitor labor conditions among Burmese migrant workers, especially in the seafood processing industry in Samut Sakhon. Poverty in Burma and a time-limited migrant registration program in Thailand have combined with the poor inspection capacity of the Ministry of Labor to exacerbate the market for illegal Burmese labor - a market which leaves laborers vulnerable to exploitation and trafficking. The Thai police and its new anti-trafficking chief have responded quickly, rounding up at least one suspect in the case who may have killed a police investigator earlier this month. But Ministry of Labor officials need to improve coordination with NGOs, the police, and other ministries to provide options to Burmese migrant workers - options that go beyond the usual choices of remaining with abusive employers or being deported. End Summary.

Samut Sakhon Background

12. (U) In the aftermath of the September 14 police raid (reftel) on a seafood processing factory in Samut Sakhon using underpaid and abused migrant laborers, Thai police and ministry officials are still divided over how to treat labor trafficking victims and protect them from future mistreatment. The 66 workers classified by the RTG as TIP victims remain housed at two government shelters while investigations continue, over three months after the raid, and the factory itself continues to operate with the owners free on bail.

13. (U) Of the almost 800 Burmese migrant workers found at the factory, 70 were voluntarily deported within days as illegal, unregistered migrants, and with another 66 sent to the Bangkok shelters after being classified as TIP victims. Police have revealed that, contrary to our earlier understanding, the owners of the Ranya Paew factory in Samut Sakhon were indeed tipped off (by unknown sources) about the raid two hours before it occurred, and may have had the opportunity to ship additional workers off the premises to other locations.

14. (U) Many of the workers continuing to work at the factory, who chose not to be repatriated to Burma, would have preferred to continue work in Thailand with another employer. However, Ministry of Labor officials prevented them from being removed by police and changing employers without going through a formal complaint procedure and employment application process. It is unclear how these workers can apply to seek new employers, given their virtual isolation on the walled factory compound and lack of communication with labor officials, none of whom were able to speak Burmese during the September 14 raid. Ministry officials say they have sought to

educate the police and NGOs on the need to abide by migrant labor law, which prohibits workers from switching between employers without the consent of the Ministry. There is no evidence, however, that Ministry officials have sought to follow up with workers remaining at the factory to determine their preference.

15. (U) Officers in Crime Suppression Division 4 (CSD 4), the police unit charged with handling TIP issues, have been interviewing the 66 classified TIP victims for potential criminal prosecution against the Ranya Paew owners. Interviews with those workers - all women - by NGOs and police investigators has revealed a systematic pattern of physical abuse by the owners, who kept the workers locked into the factory compound for up to several years at a time, paying an average of 1 USD per day's work (compared to the legal minimum wage of nearly 6 USD) for periods that often exceeded 10 hours a day.

16. (U) Besides the pending criminal charges, the Thai Labor Ministry has brought forth a number of labor law violations, which were announced in Thailand's Labor Court on December 14 with proceedings to continue on December 25. A member of Thailand's Human Rights Commission, who is also a lawyer with the Law Society of Thailand, has also filed a 70 million baht civil suit against the factory owners on behalf of the 66 workers.

17. (U) NGOs, U.N. anti-trafficking experts and the Embassy have urged the Thai government to proceed with the criminal and civil cases expeditiously and avoid prolonging the detention of the 66 TIP victims in the Bangkok shelters. The victims, who have all expressed a desire to return to Burma to support their families, face the prospect of remaining detained until the court cases are completed, a process that could take many months. Several have complained to NGOs and U.N. officials about the repetitive interviews they have given to various investigators, and the lack of

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a timeline for possible repatriation. Most have no desire to continue their cooperation in the case, and have voiced regrets about agreeing to be sheltered rather than being immediately deported.

Trafficking Suspect Arrested

18. (U) Separately, Thai police this month have been investigating a likely trafficking operation to Samut Sakhon that came to light following the murder of a policeman 250 miles away in Mae Sot district along the Burmese border. A 49-year old Thai naval officer, Capt. Tewarat Mangkon, has been accused of murdering a policeman who disappeared on December 2 after visiting the suspect's home. Police investigators on December 8 discovered the policeman's body, and his motorcycle, buried on the suspect's premises, which included a large warehouse occupied by Burmese workers. Interrogation of the suspect's relatives indicated that he was operating a labor supply business and used the warehouse as a transit point for illegal Burmese workers headed for Samut Sakhon.

19. (U) Police Gen. Wongkot Maneerin, recently appointed to head the Thai police's anti-trafficking division, told Embassy officers on December 12 that police subsequently raided a home in Samut Sakhon owned by the suspect's wife, and found two refrigerated seafood trucks that had been converted to transport 20-25 people at a time. The police also found an additional storage facility, surrounded by barbed wire and guard dogs, which was being used to temporarily house workers destined for factories in the region. An illegal female Burmese worker was on the premises at the time, and police removed her to a government shelter. Wongkot said that the findings pointed to a well-organized trafficking route bringing illegal workers from the Mae Sot area, bordering Burma, to work in shrimp and fish processing plants in Samut Sakhon on the southern Gulf of Thailand.

110. (U) Wongkot said that although police had not yet determined whether this particular labor network supplied the Ranya Paew factory, evidence was clear that factories in the region were obtaining workers from a number of different labor agents. Wongkot

said police had yet to determine the motive for the December 2 killing of the policeman, saying that the policeman had gone to the suspect's home on his own initiative and had not informed colleagues of his activities. Wongkot speculated that the policeman was either following up a trafficking lead on his own (related to either drugs or labor), or possibly was involved in the ring himself and had been in a dispute with the principal suspect.

¶11. (U) Wongkot said that the trafficking operations uncovered in Samut Sakhon demonstrated the weaknesses of Thailand's current migrant labor law, which only registered migrant workers during a specific time period each year and did not account for seasonal business fluctuations. The agricultural, fishing and textile industries, he said, need to lay off and re-hire workers several times a year, and the registration system did not have the flexibility to provide workers when needed. Hence, factory and farm owners turned to illegal labor, while informal labor brokers profited from the labor trade by transporting workers from Burma. Wongkot said that he had scheduled talks with the Minister of Labor in late December to discuss the law, and planned further consultations with the Governor of Samut Sakhon to improve labor law enforcement in the region.

Scrutiny on Migrant Labor Program

¶12. (U) This case has occurred amid increasing scrutiny of Thailand's treatment of migrant laborers, highlighted in an International Labor Organization (ILO) report issued on December 13, which documents widespread abuse and underpayment of the nearly 400,000 legally registered migrant workers in Thailand. The report estimates that more than 800,000 migrant workers are in Thailand illegally. Ministry of Labor officials claim that abusive conditions for migrant workers exist throughout the world, and that Thailand cannot afford to open its migrant registration program throughout the year for fear of attracting an uncontrollable wave of immigration. An ILO child labor expert told Laboff on December 12 that employers in the Samut Sakhon area appear to have banded together to share the cheap illegal labor pool, and have used intimidation tactics against provincial labor inspectors to prevent rigorous inspection of labor conditions. (Note: evidence found during the September 14 raid turned up a substantial cache of firearms in the possession of the factory owners.)

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¶13. (U) Labor experts agree that Ministry of Labor officials must reduce the vulnerability of migrant workers by first improving communication between its inspectors and laborers to determine true conditions in the workplace. The Ministry should provide an avenue for workers to quickly change employers without fear of retaliation.

By most accounts, labor inspections - which themselves are few and far between - are limited to simple checklist interviews with employers and little contact with workers on the premises. Ministry officials need to hire Burmese speakers, or enlist Burmese worker NGOs, to provide translation during their visits. They also must prohibit employers from seizing worker IDs, a common practice which effectively prevents workers from leaving the workplace or accessing health services.

¶14. (U) Comment: The Embassy has advised both the Ministry of Labor and the Ministry of Foreign Affairs that progress on these and other labor issues will be factored into our annual assessment of anti-trafficking efforts in Thailand. We are impressed by the early efforts of Gen. Wongkot, a police cadet classmate and long-time friend of former Prime Minister Thaksin, who was considered a serious candidate for national chief of police prior to the September 19 coup. He has taken initial steps to establish TIP protection centers in all bureaus and provincial offices of the Royal Thai Police force. Wongkot's wife was a founder and treasurer of Thaksin's Thai Rak Thai (TRT) party and a former deputy minister in Thaksin's education and public health ministries. She has since publicly tried to distance herself from the Thaksin government and TRT.

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